

**UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF NORTH CAROLINA**  
Western Division  
Civil Action No. 5:24-cv-00699-M-KS

North Carolina Democratic Party, )  
Plaintiff, )  
v. )  
North Carolina State Board of Elections, )  
et al., )  
Defendants. )

**THIRD CONSENT  
MOTION FOR EXTENSION OF  
TIME TO FILE ANSWER OR  
OTHERWISE RESPOND TO  
FIRST AMENDED COMPLAINT**

NOW COME Defendants North Carolina State Board of Elections, Karen Brinson Bell, Alan Hirsch, Jeff Carmon, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O’Duffy Millen (collectively, the “State Board Defendants”), with consent of Plaintiff, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 7.3(j), to move this Court for an order to extend the time within which to file an answer or otherwise respond to Plaintiff’s First Amended Complaint by sixty (60) days, up to and including May 5, 2025.

In support of this Motion, the State Board Defendants show the following:

1. Plaintiff filed its Complaint in this action on December 6, 2024 [D.E. 1] and served it on Defendants on December 11, 2024. [D.E. 24].
2. Judge Jefferson Griffin moved to intervene in the present matter on December 9, 2025. [D.E. 15]. The Court has not yet ruled on Judge Griffin's motion.
3. Plaintiff filed a First Amended Complaint on December 31, 2024. [D.E. 29].
4. Pursuant to Rules 6(a)(1) and 15(a)(3), State Board Defendants' response to the Plaintiff's First Amended Complaint was initially due on January 14, 2025.

5. On January 13, 2025, State Board Defendants moved for a twenty-one (21) day extension to February 3, 2025, and this Court granted the motion. [D.E. 30]; *see also* the January 14, 2025 Text Only Order.

6. On January 31, 2025, State Board Defendants moved for a thirty (30) day extension, and this Court granted the motion. [D.E. 31]; *see also* the February 3, 2025 Text Only Order. Accordingly, State Board Defendants' deadline to respond to Plaintiff's First Amended Complaint is currently March 5, 2025.

7. Undersigned counsel for State Board Defendants hereby moves for a sixty (60) day extension to respond to Plaintiffs' First Amended Complaint. This request is based, in part, on the fact that this action is a related case to an action that is currently proceeding before the state courts and this Court and *may* resolve, narrow, or consolidate the issues in this action such that this extension is in the interests of judicial efficiency. *See Griffin v. North Carolina State Board of Elections*, Case No. 5:24-cv-00731 (E.D.N.C.) and Case No. 25-181 (N.C. Ct. App.).

8. This request is also based on undersigned counsel's heavy workload in several pending cases since February 3, 2025. Undersigned counsel, with the support of other attorneys in the North Carolina Attorney General's Office, handles all State Board civil litigation, including the ongoing matters related to the November 2024 election referenced above. More recently, these work assignments have included but are not limited to the following:

- a. Attending trial (February 3 and 4) in *Pierce, et al., v. N.C. State Board of Elections, et. al.*, 4:23-cv-193 (E.D.N.C.);
- b. Preparing, reviewing, and serving extensive document productions the week of February 10, and defending depositions on February 24 and 25 in *Democracy N.C., et. al., v. Hirsch, et al.*, No. 1:23-cv-878 (M.D.N.C.);
- c. Drafting appellant's reply brief (filed February 3) in related case: *Griffin v. N.C. State Board of Elections*, Nos. 230P24 (N.C.); 5:24-cv-00724 (E.D.N.C.), and 25-1018, -1019, -1024 (4th Cir.);

- d. Drafting three briefs in response to petitions for judicial review (filed February 3), drafting a notice of Fourth Circuit ruling and *England* reservation (filed February 6), and preparing for and arguing in a hearing all in state superior court (held February 7); drafting a response to a motion to expedite (filed February 12) and appellant's response both in the North Carolina Court of Appeals (filed February 27); and drafting a petition for discretionary review in the North Carolina Supreme Court (filed February 19), all in related case: *Griffin v. N.C. State Board of Elections*, Nos. 24CV040619-910, 040620-910, 040622-910 (Wake Super. Ct.), P25-104 (N.C. Ct. App.); 25-181 (N.C. Ct. App.); 320P24-2 (N.C.); 24-cv-00731 (E.D.N.C.); and 25-1020 (4th Cir.); and
- e. Drafting a motion for an indicative ruling to the district court (filed February 13), drafting a petition response to the North Carolina Supreme Court (filed February 18), and drafting an opening brief to the Fourth Circuit (also filed February 18) all in related case: *Kivett, et al., v. N.C. State Board of Elections, et al.*, Nos. 24CV041789-910 (Wake Super. Ct.), P25-30 (N.C. Ct. App.), 51P25 (N.C.), 5:24-cv-00003 (E.D.N.C.), and 25-1021 (4th Cir.).

9. As of March 1, 2025, undersigned counsel is currently the only full-time litigation attorney for the North Carolina State Board of Elections. [D.E. 32].

10. Undersigned counsel is also scheduled to take a long planned pre-paid vacation out of the office on the weeks of March 10 and March 17. Upon return, undersigned counsel is scheduled to appear for contested case hearings before the North Carolina Office of Administrative Hearings on March 25 and March 27 in the matters of *N.C. Const. Party v. NC State Board of Elections*, 24BOE04619 and *Nelson, et al v. NC State Board of Elections*, 24BOE04615, respectively.

11. This is State Board Defendants' third request for an extension of the deadline to respond to Plaintiff's First Amended Complaint.

12. This motion is being made within the current deadline and is not being made for any improper purpose.

13. The undersigned believes that the extension of time is reasonable under the circumstances and for the reasons noted above, good cause exists to grant this motion. It is

intended to allow the related case to proceed further toward resolution as it has the potential to narrow or extinguish the issues in this case, to allow the undersigned to respond to all other pending obligations in unrelated actions, and to prepare a response to Plaintiff's Amended Complaint this action.

14. Undersigned counsel discussed this request with Plaintiff's counsel, and Plaintiff consents to the request.

15. A proposed order granting State Board Defendants' Third Motion for Extension of Time is attached hereto, and a MS Word version of that proposed order is being emailed to the presiding judge's staff using the following address:  
[Documents\\_Judge\\_Myers@nced.uscourts.gov](mailto:Documents_Judge_Myers@nced.uscourts.gov).

WHEREFORE, State Board Defendants respectfully request the Court for an order extending the time within which to file an answer or otherwise respond to Plaintiff's First Amended Complaint by sixty (60) days, up to and including May 5, 2025.

Respectfully submitted this the 4th day of March, 2025.

N.C. DEPARTMENT OF JUSTICE

/s/ Terence Steed  
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